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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,405	08/01/2000	Ichiro Tanokuchi	1299-00	5642

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628405

Applicant(s)

Tano Kuchi et al

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

P r i d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/20/00
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
- Of the above claim(s) 7-12 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3 and 5-6 is/are rejected.
- ☒ Claim(s) 4 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

P r i r i t y under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, drawn to apparatus, classified in class 118, subclass 63.
- II. Claims 7-12, drawn to method, classified in class 427, subclass 348.

The inventions are distinct, each from the other because:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as wiping a material other than metal such as a plastic strip.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation between Examiner Bareford and Attorney Christenbury on 5/10/01 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-6. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-14 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 1-208441.

Japan '447 teaches the design of an apparatus comprised of the following elements: face gas wiping nozzles which extends across the width of the strip which has been lifted upwardly from a liquid bath along a jet treatment path, the face gas wiping nozzles arranged adjacent to the jet treatment path and aimed at an impingement area on front and back surfaces of the strip; a pair of baffle plates spaced from the edges of the strip material such the distance between baffles itself or inner edge of baffle is a clearance distance C; and edge wiping nozzles disposed between each of the baffle plates at its inner edge and adjacent an edge of the strip material, each of the

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edge wiping nozzles being provided with an edge wiping gas jet port positioned adjacent the gas impingent area such there is distance L between port or nozzle and each edge wiping nozzles being positioned for jetting a gas in a widthwise direction relative to the strip and parallel to each edge of the strip. Japan '441 fails to teach the elements of the wiping nozzle apparatus has a defined structural relationship such that the clearance C is within the scope of claims 1 and 5 and the relationship between distance L and clearance C is within the scope set forth in claims 1 and 5-6. However, Japan '441 teaches a drive means 10 for driving truck 3 for carrying the edge-wiping gas nozzles such that the nozzles are adjustable toward and away from the adjacent edge of the strip. Therefore, it would have been obvious that the drive means 10 in the Japan '441 apparatus is structured and arranged so as to position edge-wiping gas nozzles such that clearance C and the relationship between distance L and clearance C is within the scope of claims 1 and 5-6 since the drive means 10 drives the truck 3 supporting the Japan '441 edge-wiping gas nozzles thereby positioning the Japan '441 edge-wiping gas nozzles in the manner desired. With respect to claims 2-3, Japan '441 teaches a drive 10 also drives the baffle plate and edge-wiping nozzle. Japan '441 shows that the edge wiping nozzles and baffle plate move as a unit. Therefore, although Japan '441 fails to teach the edge wiping nozzles and baffle plate are integrally fixed to each other, it would have been obvious to integrally fix the above cited elements to minimize complexity or number of units of the apparatus.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703 308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

Examiner Lamb/ng

September 24, 2002


BRENDA A. LAMB
PRIMARY EXAMINER